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7 Attorney for Defendant, David Michael Miller

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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Case No. CR-10-00004 JF PVT

14 Plaintiff,

15 [PROPOSED] ORDER, STIPULATION,  
16 AND DECLARATION OF STEVEN R.  
17 MANCHESTER IN SUPPORT OF  
18 REQUEST FOR CONTINUANCE OF  
19 SENTENCING DATE

20 vs.

21 DAVID MICHAEL MILLER

22 Defendant.

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23 I. DECLARATION

24 I, Steven R. Manchester, declare:

25 I am counsel of record for the defendant, David Miller (Miller). If called as a witness, I  
could competently testify to the following.

Miller is currently scheduled for sentencing on April 28, 2010 at 9 a.m. before the  
Honorable Jeremy Fogel. He plead guilty to three felony counts involving the possession and  
distribution of child pornography. That plea was entered at his first appearance before Judge  
Fogel, and there have been no continuances in this matter.

The undersigned is in the process of preparing a sentencing memorandum which, in view  
of the potential term of incarceration, is a complex and time consuming endeavor. The  
undersigned is unable to obtain all of the materials necessary to prepare a memorandum before  
the April 28, 2010 sentencing date.

1 The undersigned explained his need for more time to Assistant United States Attorney  
2 Thomas O'Connell who is assigned to the prosecution of this matter. Mr. O'Connell and the  
3 undersigned agreed to a new date for sentencing of June 9, 2010 or any time thereafter at the  
4 convenience of the court.

5 I declare under penalty of perjury that the foregoing is true and correct. Signed this  
6 nineteenth day of April 2010 at San Jose, California.

7 \_\_\_\_\_/s/\_\_\_\_\_

8 Steven R. Manchester

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10 II. STIPULATION

11 For the reasons set forth in the Declaration of Steven R. Manchester, the parties agree  
12 that the date for sentencing in this matter be continued from April 28, 2010 to June 9, 2010 or  
13 any time thereafter at the convenience of the court.

14 Dated: April 19, 2010

15 \_\_\_\_\_/s/\_\_\_\_\_

16 Assistant U.S. Attorney Thomas O'Connell

17 Dated: April 19, 2010

18 \_\_\_\_\_/s/\_\_\_\_\_

19 Steven R. Manchester

20 III. ORDER

21 The parties having stipulated thereto, and good cause appearing therefore, it is HEREBY  
22 ORDERED that the date for sentencing in the above captioned matter be continued from April  
23 10  
24 28, 2010 to June 9, 2010 at 9 a.m.

25 Dated: 4/27/10

  
23 Jeremy Fogel, District Court Judge